

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of such new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(e) **REPORTING REQUIREMENTS.**—Not later than—

(1) 1 year after the date of enactment of this Act, and annually thereafter until the Secretary submits the report under paragraph (2), the Secretary shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including changes in the scale and scope of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(f) **PERFORMANCE METRICS.**—The Secretary of Homeland Security shall establish performance metrics for grants awarded under this section.

SA 4063. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (1)—

(A) by striking paragraph (2);

(B) by striking the subsection designation and all that follows through “In determining” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(1) **ACCOMMODATING UTILITY FACILITIES IN THE RIGHT-OF-WAY.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **INDIAN LAND.**—The term ‘Indian land’ means—

“(i) land located within the boundaries of—

“(I) an Indian reservation, pueblo, or rancharia; or

“(II) a former reservation within Oklahoma; and

“(ii) land not located within the boundaries of an Indian reservation, pueblo, or rancharia—

“(I) the title to which is held in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

“(II) the title to which is held by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

“(III) the title to which is held by a dependent Indian community.

“(B) **RIGHT-OF-WAY.**—The term ‘right-of-way’ means any real property, or interest therein, acquired, dedicated, or reserved for the construction, operation, and maintenance of a highway.

“(C) **UTILITY FACILITY.**—

“(i) **IN GENERAL.**—The term ‘utility facility’ means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public.

“(ii) **INCLUSIONS.**—The term ‘utility facility’ includes—

“(I) a renewable energy generation facility;

“(II) electrical transmission and distribution infrastructure; and

“(III) broadband infrastructure and conduit.

“(2) **ACCOMMODATION.**—In determining”; and

(C) by adding at the end the following:

“(3) **STATE APPROVAL.**—A State, on behalf of the Secretary, may approve accommodating a utility facility described in paragraph (1)(C)(ii) within a right-of-way on a Federal-aid highway.

“(4) **EXCLUSION.**—Paragraph (3) shall not apply to a utility facility on Indian land.

“(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to alter or affect—

“(A) the regulatory classification of broadband services or facilities under the Communications Act of 1934 (47 U.S.C. 151 et seq.); or

“(B) any prohibition on commercial activity under section 111(a).”; and

(2) by adding at the end the following:

“(s) **VEGETATION MANAGEMENT.**—States are encouraged to implement, or to enter into partnerships to implement, vegetation management practices, such as increased mowing heights and planting native grasses and pollinator-friendly habitats, along a right-of-way on a Federal-aid highway, if the implementation of those practices—

“(1) is in the public interest; and

“(2) will not impair the highway or interfere with the free and safe flow of traffic.”.

SA 4064. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2836. REPORT ON CAPACITY OF CHILD DEVELOPMENT CENTERS OF DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act,

and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written report providing an update on the capacity of child development centers of the Department of Defense.

(b) **ELEMENTS.**—Each report submitted under subsection (a) shall—

(1) provide data on the capacity of child development centers through the Department, including infrastructure, staffing, waitlists, and resources, set forth in the aggregate and by installation and Armed Force;

(2) highlight, by installation, whether demand by members of the Armed Forces for child care is or is not being met by existing capacity at such centers; and

(3) determine whether plans and adequate funding authority exist to remedy any identified shortfall in child care capacity for the Department of Defense.

SA 4065. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES REGARDING DEFENSE INNOVATION UNIT PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) **PILOT PROGRAM.**—The Undersecretary of Defense for Research and Engineering shall establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities to the programs of the Defense Innovation Unit and its associated programs that promote entrepreneurship and innovation at these institutions.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the activities conducted under subsection (a), including the results of outreach efforts, the success of expanding Defense Innovation Unit programs to historically Black colleges and universities, the barriers to expansion, and recommendations for how the Department of Defense and the Federal Government can support such institutions to successfully participate in Defense Innovation Unit partnerships and programs.

SA 4066. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1054. REPORT ON GEOGRAPHIC EXPANSION OF DEFENSE INNOVATION UNIT ACTIVITIES.

Not later than one year after enactment of this Act, the Secretary of Defense shall provide a report to Congress on courses of action to expand the geographic reach of Defense Innovation Unit activities to new or underserved regions, including the southeastern United States, with particular emphasis on areas with—

- (1) access to partnership opportunities at institutions of higher education that conduct significant Federally-funded research in science, technology, and medicine;
- (2) access to a vibrant private commercial sector; and
- (3) proximity to a significant number of major Department of Defense installations.

SA 4067. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON CYBER EDUCATION DIVERSITY INITIATIVE.

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committees a report on the Cyber Education Diversity Initiative.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include the following:

- (1) A discussion of the scope, scale, and effect of the Cyber Education Diversity Initiative.
- (2) Details of the number and nature of institutions participating in the initiative;
- (3) Details regarding the funds expended in support of the initiative;
- (4) An initial evaluation of the effect of the initiative on cyber education and career opportunities for minority and low-income students.

(c) **TIMING OF SUBMITTAL.**—The report submitted under subsection (a) shall be submitted concurrent with the submittal of the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2023.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 9:30 a.m. to conduct a hearing on nominations.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to

meet during the session of the Senate on Thursday, October 28, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 9 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 10:15 a.m., to conduct a hearing.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, October 28, 2021, at 9:30 a.m., to conduct a hearing.

ORDERS FOR MONDAY, NOVEMBER 1, 2021

Mr. KAINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, November 1; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Davidson nomination; further, that at 5:30 p.m., the Senate vote on the confirmations of the Robinson and Heytens nominations in the order listed; finally, that if any nominations are confirmed during Monday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 1, 2021, AT 3 P.M.

Mr. KAINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Monday, November 1, 2021, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

ALAN DAVIDSON, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE DAVID J. REDL.

FEDERAL COMMUNICATIONS COMMISSION

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2020. (RE-APPOINTMENT)

GIGI B. SOHN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2021, VICE AJIT VARADARAJ PAI, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT OTTO BURCIAGA VALDEZ, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE RICHARD G. FRANK.

DEPARTMENT OF STATE

CHRISTOPHER R. HILL, OF RHODE ISLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

DEPARTMENT OF COMMERCE

KATHERINE VIDAL, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE ANDREI IANCU.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be rear admiral (lower half)

CAPT. FRANKLIN H. SCHAEFER
CAPT. TIFFANY G. DANKO

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 2021:

DEPARTMENT OF JUSTICE

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.
MATTHEW G. OLSEN, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

OMAR ANTONIO WILLIAMS, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

DEPARTMENT OF JUSTICE

HAMPTON Y. DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL.
MATTHEW M. GRAVES, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

RAHUL GUPTA, OF WEST VIRGINIA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

DEPARTMENT OF JUSTICE

ELIZABETH PRELOGAR, OF IDAHO, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 309 (B):

To be rear admiral (upper half)

REAR ADM. JAMES M. KELLY

DEPARTMENT OF VETERANS AFFAIRS

GUY T. KIYOKAWA, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (ENTERPRISE INTEGRATION).

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES AIR FORCE, AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 9039:

To be major general

BRIG. GEN. RANDALL E. KITCHENS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM S. LYNN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES W. BIERMAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. LANGLEY